

NORTH CAROLINA

ALAMANCE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2018 DEC -4 A 10:47

18-CVS- **2335**

IN THE MATTER OF THE
SETTLEMENT OF THE CLAIMS
OF THE INCOMPETENT PERSON
MOLLY A. OFFSTEIN AGAINST ELON
UNIVERSITY

ALAMANCE CO., C.S.C.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned attorney for Plaintiff Laura M. Byrnes, as the Guardian-ad-Litem for Molly A. Offstein, hereby places all parties on notice of the hearing on the settlement approval of this matter, set for 2:30 p.m., on Wednesday, December 5, 2018, in the Alamance County Historical Courthouse, 1 Court Square, Graham, North Carolina 27253, at the date and time set forth or as soon thereafter as counsel may be heard.

This the 30th day of November, 2018.



Sam McGee, NCSB No. 25343
TIN, FULTON, WALKER & OWEN, PLLC
301 East Park Avenue
Charlotte, North Carolina 28203
Telephone: (704) 338-1220
Facsimile: (704) 338-1312
Email: smcgee@tinfulton.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon all other parties to this action or their attorneys of record by depositing a copy of the same in a post-paid envelope in an official depository of the United States Postal Service, addressed as follows:

Stephen G. Teague
Teague, Rotenstreich, Stanaland,
Fox & Holt, P.L.L.C.
101 S. Elm Street, Suite 350
Greensboro, North Carolina 27401

Beth Tyner Jones
Womble Bond Dickinson
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601

David L. Levy
Hedrick, Gardner, Kincheloe & Garofalo, LLP
6000 Fairview Road, Suite 1000
Charlotte, NC 28210

This the 30th day of November, 2018.



Sam McGee

NORTH CAROLINA

ALAMANCE COUNTY

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IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2018 DEC -4 PM 2: 10

18-CVS-

2335

ALAMANCE COUNTY, C.S.C.

IN THE MATTER OF THE
SETTLEMENT OF THE CLAIMS
OF THE INCOMPETENT PERSON
MOLLY A. OFFSTEIN AGAINST ELON
UNIVERSITY

BY

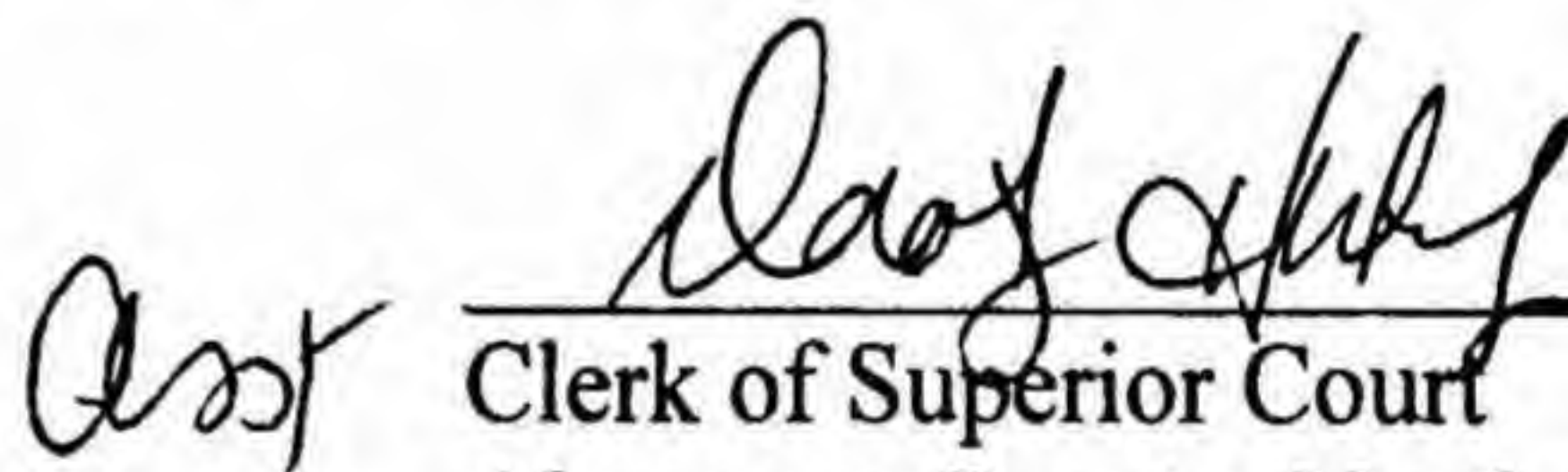


**ORDER APPOINTING
GUARDIAN AD LITEM**

IT APPEARING to the Court that the Plaintiff, MOLLY ANNE OFFSTEIN, is an incapacitated person without general or testamentary guardian in this state; that LAURA M. BYRNES has moved the Court that she be appointed *Guardian ad Litem* for said Plaintiff; and that LAURA M. BYRNES is a fit and proper person to represent said Plaintiff in said action;

IT IS ORDERED that LAURA M. BYRNES be, and she is, hereby appointed *Guardian ad Litem* for the Plaintiff, MOLLY ANNE OFFSTEIN.

This the 4 day of December, 2018.



Clerk of Superior Court
Alamance County, North Carolina

ALAMANCE

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

IN THE MATTER OF THE SETTLEMENT OF THE CLAIMS
OF THE INCOMPETENT PERSON MOLLY A. OFFSTEIN
AGAINST ELON UNIVERSITY

City, State, Zip

VERSUS

Name Of Defendant(s)

ELON UNIVERSITY

CIVIL SUMMONS
☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Elon University
c/o Connie Ledoux Book
100 Campus Drive
Elon, NC 27244

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Sam McGee
Tin, Fulton, Walker & Owen, PLLC
301 East Park Avenue
Charlotte, North Carolina 28203

Date Issued

12-4-2018

Time

10:47

☒ AM ☐ PM

Signature

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

NORTH CAROLINA

ALAMANCE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

18-CVS-2335

2018 DEC -4 A 10:47

IN THE MATTER OF THE ALAMANCE CO., C.S.C. PETITION FOR APPROVAL
SETTLEMENT OF THE CLAIMS OF INCOMPETENT PERSON
OF THE INCOMPETENT PERSON SETTLEMENT AND APPOINTMENT
MOLLY A. OFFSTEIN AGAINST ELON OF GUARDIAN AD LITEM
UNIVERSITY

COMES NOW Petitioner, Laura M. Byrnes (hereinafter "Petitioner"), by and through her undersigned counsel and respectfully petitions the Court for approval of a confidential settlement between Elon University and the Incompetent Person Molly A. Offstein (hereinafter "Incompetent Person"), and for the appointment of Laura M. Byrnes as Guardian ad Litem for Molly Offstein, pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, for purposes of approving the settlement. Additionally, Laura M. Byrnes has been duly appointed and is acting as Guardian of the Person and Property of Molly Anne Offstein (see attached Exhibit A). In support thereof, Petitioner respectfully shows unto the Court the following:

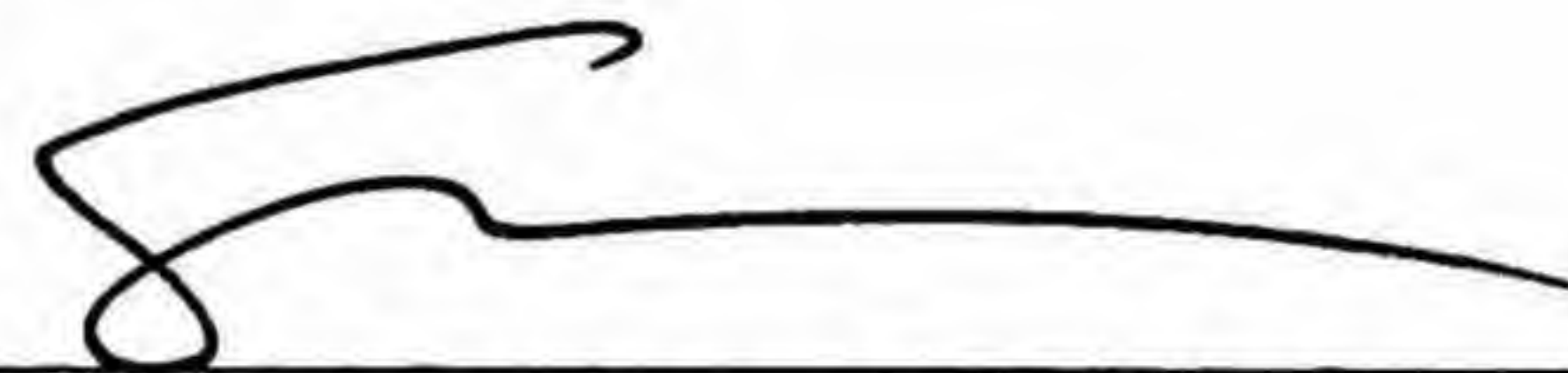
1. The incompetent person, Molly Offstein, and her mother and legal guardian, Laura M. Byrnes, are residents of Allegheny County, Maryland.
2. Molly Offstein was born on January 1, 1998 and was involved in a pedestrian/vehicle accident on March 6, 2017. As a result of the aforesaid collision, Molly Offstein sustained personal injuries.
3. Laura Byrnes, individually and on behalf of the Incompetent Person, and Elon University (collectively, the "Parties") have negotiated and agreed upon a full and final settlement of all matters at issues between them, subject to the appointment of a Guardian ad Litem and approval by a Superior Court. An Acceptance of Appointment is attached hereto as

4. The parties request approval of the confidential settlement of this matter. The settlement amount is intended to compensate the Incompetent Person for pain, suffering and medical care she he has incurred and will incur.

5. Laura Byrnes is the parent of the Incompetent Person and is of suitable age and discretion to look out for the best interests of the Incompetent Person and, upon information and belief, is willing to serve as Guardian ad Litem.

WHEREFORE, Petitioner respectfully petitions the Court to appoint Laura M. Byrnes as Guardian ad Litem for the Incompetent Person Molly Offstein, for purposes of approving the confidential settlement; that the Court approve the terms and provisions of the confidential Settlement and Release Agreement; and that the Court enter the proposed Consent Order of Judicial Approval of Incompetent Person Settlement.

This the 30th day of November, 2018.



Sam McGee, NC Bar # 25343
Tin, Fulton, Walker & Owen, PLLC
301 East Park Avenue
Charlotte, North Carolina 28203
Telephone: (704) 338-1220
Facsimile: (704) 338-1312

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon all other parties to this action or their attorneys of record by depositing a copy of the same in a post-paid envelope in an official depository of the United States Postal Service, addressed as follows:

Stephen G. Teague
Teague, Rotenstreich, Stanaland,
Fox & Holt, P.L.L.C.
101 S. Elm Street, Suite 350
Greensboro, North Carolina 27401

Beth Tyner Jones
Womble Bond Dickinson
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601

David L. Levy
Hedrick, Gardner, Kincheloe & Garofalo, LLP
6000 Fairview Road, Suite 1000
Charlotte, NC 28210

This the 30th day of November, 2018.



Sam McGee

**IN THE MATTER OF
MOLLY ANNE OFFSTEIN
FOR THE APPOINTMENT OF
A GUARDIAN OF THE PERSON
AND PROPERTY**

Case No.: C-17-45549

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

The Court having reviewed the pleadings filed herein, and having examined the medical certificates and medical evidence submitted, and having heard testimony, and having determined:

- a. That Molly A. Offstein lacks the capacity to provide for herself or her property;
- b. that the lack of capacity is caused by physical and mental disability as diagnosed and reflected in the medical records;
- c. that there is no less intensive form of intervention other than a Guardianship; and
- d. that Petitioner, Laura M. Byrnes, is the appropriate person under the statute to be designated Guardian.

Being of the opinion that the following relief is warranted, it is therefore **ORDERED** that Laura M. Byrnes shall be appointed as Guardian of the Person and Property of Molly A. Offstein.

It is further **ORDERED** that the inventory shall be as of September 1, 2017, and that the annual report shall be based on a fiscal year commencing January 1, 2018.

It is further **ORDERED** that Laura M. Byrnes shall not be required to furnish a bond in that the financial resources of Ms Offstein should be devoted to her medical care and treatment subject, however, to further Order of this Court upon the filing of the inventory.


JUDGE

STATE OF MARYLAND, ALLEGANY COUNTY TO WIT:

I Dawne D. Lindsey, Clerk of the Circuit Court in and for Allegany County and State of Maryland, hereby certify that the above and foregoing is a true copy of Order Appointing Guardian passed and entered in the above and foregoing entitled case 01-C-17-045549 in the Circuit Court for Allegany County, Maryland.

IN TESTIMONY WHEREOF, I here unto set my
hand and affix the Seal of said Circuit Court for
Allegany County, at Cumberland, Maryland,
this 21st day of August, 2017 .

Dawne D. Lindsey

Dawne D. Lindsey
Clerk of the Circuit Court



ACCEPTANCE OF APPOINTMENT

The appointment of the undersigned as Guardian Ad Litem for the incapacitated plaintiff, Molly Offstein, is hereby accepted.

This the 30th day of November, 2018.


Laura Byrnes

Name And Address Of Plaintiff 1

IN THE MATTER OF THE SETTLEMENT OF THE CLAIMS
OF THE INCOMPETENT PERSON MOBY ADOPTED 10: 4h
AGAINST ELON UNIVERSITY
2018 DEC 10
ALAMANCE CO., C.S.C.**GENERAL****CIVIL ACTION COVER SHEET**☒ INITIAL FILING ☐ SUBSEQUENT FILING

Rule 5(b), General Rules of Practice For Superior and District Courts

Name And Address Of Plaintiff 2

BY 

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Sam McGee
Tin, Fulton, Walker & Owen, PLLC
301 East Park Avenue
Charlotte, NC 28203Telephone No.
704-338-1220

Cellular Telephone No.

NC Attorney Bar No.
25343Attorney E-Mail Address
smcgee@tinfulton.com**VERSUS**

Name Of Defendant 1

ELON UNIVERSITY

Summons Submitted ☒ Yes ☐ No☒ Initial Appearance in Case☐ Change of Address

Name Of Defendant 2

Name Of Firm

Tin, Fulton, Walker & Owen, PLLC

FAX No.

704-338-1312

Summons Submitted ☐ Yes ☐ No

Counsel for

☒ All Plaintiffs ☐ All Defendants ☐ Only (list party(ies) represented)☐ Jury Demanded In Pleading☐ Complex Litigation☐ Amount in controversy does not exceed \$15,000☐ Stipulate to arbitration**TYPE OF PLEADING**

(check all that apply)

- ☐ Amend (AMND)
☐ Amended Answer/Reply (AMND-Response)
☐ Amended Complaint (AMND)
☐ Assess Costs (COST)
☐ Answer/Reply (ANSW-Response) (see Note)
☐ Change Venue (CHVN)
☐ Complaint (COMP)
☐ Confession Of Judgment (CNJF)
☐ Consent Order (CONS)
☐ Consolidate (CNSL)
☐ Contempt (CNTP)
☐ Continue (CNTN)
☐ Compel (CMPL)
☐ Counterclaim (CTCL) Assess Court Costs
☐ Crossclaim (list on back) (CRSS) Assess Court Costs
☐ Dismiss (DISM) Assess Court Costs
☐ Exempt/Waive Mediation (EXMD)
☐ Extend Statute Of Limitations, Rule 9 (ESOL)
☐ Extend Time For Complaint (EXCO)
☐ Failure To Join Necessary Party (FJNP)

(check all that apply)

- ☐ Failure To State A Claim (FASC)
☐ Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
☐ Improper Venue/Division (IMVN)
☐ Including Attorney's Fees (ATTY)
☐ Intervene (INTR)
☐ Interplead (OTHR)
☐ Lack Of Jurisdiction (Person) (LJPN)
☐ Lack Of Jurisdiction (Subject Matter) (LJSM)
☐ Modification Of Child Support In IV-D Actions (MSUP)
☐ Notice Of Dismissal With Or Without Prejudice (VOLD)
☐ Petition To Sue As Indigent (OTHR)
☐ Rule 12 Motion In Lieu Of Answer (MDLA)
☐ Sanctions (SANC)
☐ Set Aside (OTHR)
☐ Show Cause (SHOW)
☐ Transfer (TRFR)
☐ Third Party Complaint (list Third Party Defendants on back) (TPCL)
☐ Vacate/Modify Judgment (VCMD)
☐ Withdraw As Counsel (WDCN)
☒ Other (specify and list each separately)
 Petition for Approval of Incompetent Person Settlement and Appointment of Guardian-ad-Litem

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

ALAMANCE COUNTY CLERK OF COURT

N104531 12/04/18 10:49:21

PAYOR: OFFSTEIN, MOLLY, A
PAYEE: SAM MCGEE
CASE#: 18CV0002335 VCAP: Y
CITIZEN:

21120 SC-CIVIL FEES 179.05
21124 SC-CV LAA FEES .95
24681 JUD TECH & FAC 4.00
22120 00 FAC FEE S CV 16.00
TOTAL PAID 200.00
00 TENDERED 200.00
CHANGE .00

8276 ID 0000JS

Defendant(s) Against Whom Crossclaim Asserred

Plaintiff(s) Against Whom Counterclaim Asserred

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Summons Submitted

☐ Third Party Defendant(s)

☐ Additional Defendant(s)

No.

☐ Additional Plaintiff(s)

No.

Vice Fee)

PRO HAC VICE FEES APPLY

Supplemental Procedures (SUPR)

Assert Right Of Access (ARAS)

FEES IN G.S. 7A-308 APPLY

11/30/2018

Signature Of Attorney/Party

- ☐ Medical Malpractice (MML)
☐ Minor Settlement (MSTL)
☐ Money Owed (MNYO)
☐ Negligence - Motor Vehicle (MVNG)
☐ Negligence - Other (NEGO)
☐ Motor Vehicle Lien G.S. 44A (MVLN)
☐ Possession Of Personal Property (POPP)

- ☐ Substitution Of Trustee (Judicial Foreclosure) (RSOT)
☐ Contract (CNTR)
☐ Contribution (CNBM)
☐ Discovery Scheduling Order (DSCH)
☐ Infraction (INJU)

☒ Specific Performance (SPR)
☐ Other (specify and list each separately)
Settlement Approval